IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2599 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAVINDRAKUMAR M AMIN - Petitioner(s)

Versus

DHOLKA MUNICIPALITY - Respondent(s)

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Appearance :

MR KS ACHARYA for Petitioner(s) : 1,
MR RA PATEL for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 12/01/2006

ORAL JUDGMENT

1. The petitioner has filed this petition under Article 226 of the Constitution of India, praying for quashing and setting aside the order passed by the respondent on 5.6.1987 whereby the petitioner was suspended.

2. The Court has passed an order on 11.6.1987, whereby the status quo as obtained on that day was ordered to be maintained till 12.6.1987. The Court has passed further order on 12.6.1987 whereby the status quo order was to be continued till 23.6.1987. The petitioner was granted liberty to go on leave during the intervening period, if the petitioner so desired. The Court has passed a further order on 22.6.1987 extending the order of status quo till 30.6.1987. However, after 30.6.1987 the status quo order was not extended. The Court has admitted the petition and rule was issued on 23.9.1987.

3. The suspension order was challenged on several grounds. An affidavit in reply was filed on behalf of the respondent wherein the suspension order was sought to be justified.

The suspension order is of 1987. More than 18 years have passed. Pursuant to the said suspension order, further inquiry must have been made and some action decision might have been taken by the respondent - Nagarpalika and said action might have also been challenged by the petitioner. In any case, by efflux of time the suspension order does not survive and it has become infructuous.

4. The Court has not gone into the merits of the matter and disposes of this petition only on the ground that the suspension order has become infructuous by efflux of time. The petition is accordingly dismissed. Rule is discharged without any order as to costs. Liberty is reserved to the petitioner to approach this Court in case of difficulty or if need so arises in future.

(K. A. PUJ, J.)

kks